

## **REMARKS**

This response addresses the issues raised by the Examiner in the Office Action mailed May 17, 2005. Initially, Applicants would like to thank the Examiner for the careful consideration given in this case. The Claims were 1-15. Claims 1 and 14 have been currently amended. No new matter has been added by this amendment. Thus, Claims 1-15 are pending in this case all to more clearly and distinctly claim Applicants' invention. In view of the above amendments and the following remarks, Applicants submit that the presently pending claims are in condition for allowance and notification of such is respectfully requested.

### **Rejection Under 35 U.S.C. § 112, Second Paragraph**

The Examiner rejects Claims 14 and 15 under 35 U.S.C. § 112, second paragraph, as being unclear for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. More specifically, the Examiner states that in Claim 14 there is insufficient antecedent basis for the phrase "the hollow space". Applicants respectfully traverse this rejection.

To advance prosecution of this application, Applicants have currently amended Claim 14 to depend on Claim 3 to address the concerns of the Examiner. Claim 15 depends on Claim 14. Therefore, the rejections are rendered moot. Withdrawal of the present rejection is respectfully requested.

### **Rejection Based On Fahrigh Under 35 U.S.C. § 102 (b)**

The Examiner rejects Claims 1-3, 5 and 6 under 35 U.S.C. § 102 (b) as being anticipated by Fahrigh. Applicants respectfully traverse this rejection.

Currently amended Claim 1 claims a regulating vacuum valve comprising: a valve housing having a through-channel; first and second valve plates which lie in adjacent and parallel planes and are mounted so as to be adjustable in their planes and can be moved into the through-channel from different sides proceeding from an open position in which they lie laterally adjacent to the through-channel to form a through-opening through the valve, the size of the through-opening being adjustable; and an annular seal connection piece which is supported so as to be displaceable in the through-channel of the valve housing and is sealed relative to the valve housing by a first sealing ring. Claim 1 further claims that in order to provide a sealed state of the valve, said first valve plate is movable into a position in which it

completely covers the through-channel and in which the seal connection piece is displaceable in the through-channel between a position in which it is lifted from the first valve plate to a position in which it is pressed against the first valve plate and sealed relative to the first valve plate by at least one second sealing ring.

For a rejection to be sustained under 35 U.S.C. § 102 (b) each and every element of the claimed invention must be disclosed or cited in the prior art reference. Fahrig discloses a double-slide valve for controlling a stream of fluid entrained particulate material comprising a valve body forming a closed chamber having an inlet opening, an outlet opening and a pair of valve stem openings. See Abstract. Fahrig further discloses a flow port, two transversably slidable valve plates, guide means and a control means. Figs. 2 and 3 in Fahrig show that valve plates 12 and 14 lie in parallel planes which are distance from each other. In Fahrig, when both valves plates are moved into the through-channel, because of the distance between the valves plates there will not be a symmetric flow through the valve. This is unlike the present invention where the first and second valve plates which lie in adjacent and parallel planes and are mounted so as to be adjustable in their planes and can be moved into the through-channel from different sides proceeding from an open position in which they lie laterally adjacent to the through-channel to form a through-opening through the valve.

Further, Fahrig discloses that a flow port is arranged between the valve plates that is attached to a support member, which in turn is securely fastened to the valve body. Fahrig also discloses that screws are used to fasten the support member to the valve body as shown in Fig. 2. Fahrig does not disclose that this valve is in a sealed state. Fahrig also does not disclose an annular seal connection piece which is supported so as to be displaceable in the through-channel of the valve housing and is sealed relative to the valve housing by a first sealing ring like the present invention. Moreover, Fahrig give no indication to provide a sealed state of a valve by displacing a seal connection piece between a position in which it is lifted from the first valve plate to a position in which it is pressed against the first valve and sealed relative to the first valve plate by at least one second sealing ring. Accordingly, Fahrig does not disclose each and every claim element of the claimed invention. Therefore, Applicants respectfully requests that the rejection under 35 U.S.C. § 102 (b) be reconsidered and withdrawn.

**Allowable Subject Matter**

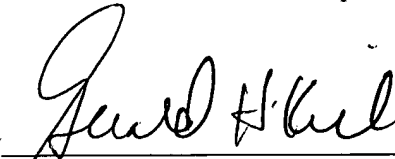
Applicants gratefully acknowledge the Examiner notation on page 3 of the office action that claims 4 and 7-13 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

**Conclusion**

In view of the remarks presented herein, it is respectfully submitted that the present application is in condition for final allowance and notice to such effect is requested. If the Examiner believes that additional issues need to be resolved before this application can be passed to issue, the undersigned invites the Examiner to contact him at the telephone number provided below.

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By



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